

KADG010002522026



Presented on : 22-01-2026  
Registered on : 22-01-2026  
Decided on : 04-04-2026  
Duration : 0 years, 2 months, 13 days

**IN THE COURT OF**  
**I ADDL. DISTRICT & SESSIONS JUDGE**  
**AT: DAVANAGERE**

**PRESENT:- SRI. PRAVEEN KUMAR. R.N, B.Com, LL.B.**  
**II ADDL., DISTRICT & SESSIONS JUDGE,**  
**DAVANAGERE.**

**DATED THIS THE 04TH DAY OF APRIL, 2026**

**Crl.Misc.No.81/2026**

**PETITIONER/S:-**

1. Syed Amin UI Haq, S/o Syed Ziya UI Haq, 28 years, MBBS (MD), (A.No.1),
2. Syed Ziya UI Haq, S/o S.M.Yusuf Sab, 53 years, Rtd. School teacher, (A.No.2),
3. Mahe Jabeen, W/o Syed Ziya UI Haq, 54 years, School Teacher, (A.No.3),

All are R/o # 111/57, Nittuvalli Road,  
Opp: Ganesh Mill, Near  
Siddeshwara Mill, Behind KSRTC,  
Say Syam Lay-Out, Davanagere,

**(By Smt./Sri R.K, Advocate),**

-V/s-

State by Women Police Station,  
Karnool City, Karnool District,  
Andrapradesh

**(By Learned Public Prosecutor, Davanagere)**

**: ORDERS ON BAIL PETITION FILED U/SEC.482 OFBNSS:**

The petitioners 1 to 3 have filed this bail petition U/s.482 of BNSS, praying for their release on bail in the event of their arrest by the Respondent Police for the offences punishable under Sec. 109, 86, 118(2) of BNSS.

**2.** The grounds for bail in the petition: As per the petitioners, they apprehend that the respondent police may register a case against them at the instance of the wife of petitioner No.1 or her relatives, for the offences punishable under Sections 86, 109, and 118(2) of the BNSS. The petitioners contend that they are innocent and have not committed any offence as alleged by the complainant. The alleged offences are not punishable with death or imprisonment for life and are triable by the Magistrate Court.

**3.** The petitioners further submit that they have not demanded any dowry and that they are respectable persons having families. There is

no likelihood of their absconding or fleeing from justice. It is also contended that if they are arrested, it would cause irreparable loss and injury to their reputation and family life.

**4.** Further, the petitioners submit that they are respectable persons, law-abiding citizens, and are deeply rooted in society. They are permanent residents of the address mentioned in the cause title. It is contended that if they are arrested, their reputation in society would be severely affected. They reiterate that no prima facie case is made out against them and that there is no likelihood of their absconding. The petitioners undertake to abide by any conditions that may be imposed by this Court and are ready to furnish sufficient sureties to the satisfaction of the Court. Hence, they pray to allow the petition.

**5.** On the other hand, the learned Public Prosecutor appearing for the respondent has contended that the offences alleged against the petitioners are serious in nature. It is argued that if the petitioners are released on bail, there is a likelihood of tampering with prosecution witnesses and threatening the evidence, and there is also a risk of absconding. It is further contended that a prima facie case is made out against the petitioners and that no sufficient grounds have been made out for granting bail.

**6.** The learned Public Prosecutor has also submitted that subsequent to the filing of the present petition, the victim has already lodged a case against the petitioners, which is serious in nature, and therefore, this Court lacks jurisdiction to entertain the petition. Hence, he prays for rejection of the bail petition.

**7.** On perusal of the petition, objection and IO report, I framed following points for consideration: –

1. Whether the petitioners are entitled to the relief of bail under Sec. 482 of BNSS?
2. What order ?

**8.** My answer to the above points are as follows :-

Point No.1 : In the Affirmative,

Point No.2 : As per final order, for the following :-

### **R E A S O N S**

**Point No.1 :-**

**9.** Brief averments of the petition are that : Petitioner No.1 is the husband of Smt. S. Neha Tameem, D/o Belgam Gafur Miya, and their marriage was solemnized on 27.09.2025 at Imperial Garden, Andhra Pradesh, in accordance with their customs. It is stated that they became acquainted through Shaadi.com. Petitioner Nos.2 and 3 are the parents of petitioner No.1, both of whom are Government school teachers.

**10.** It is contended that after the marriage, the complainant stayed with petitioner No.1 only for a period of 10 days. During this period, she allegedly picked up quarrels on trivial issues and subjected petitioner No.1 to mental and physical harassment, insisting that he become a resident son-in-law at her parental home. It is further alleged that without any justifiable reason, the complainant frequently quarreled with the petitioners. On the night of 09.11.2025, she is stated to have quarreled with petitioner No.1, assaulted him, and left the matrimonial

home, taking away gold ornaments and clothes brought during the wedding.

**11.** Petitioner No.1 is a medical practitioner, while petitioner Nos.2 and 3 are his aged parents, both serving as Government school teachers and suffering from age-related ailments. The dispute between the parties is essentially matrimonial in nature.

**12.** The learned counsel for the petitioners submits that they are innocent, law-abiding citizens and permanent residents of the address mentioned in the cause title. It is further contended that false allegations have been made against them. The petitioners have expressed their willingness to comply with any conditions imposed by this Court and to furnish sufficient sureties to its satisfaction. It is argued that no prima facie case is made out against the petitioners, and hence, the petition deserves to be allowed.

**13.** The learned counsel for the petitioners has relied upon the judgment of the Hon'ble Apex Court in *Gurbaksh Singh Sibbia & Others vs. State of Punjab*, reported in 1980 (2) SCC 565, dated 09.04.1980. In the said judgment, the Hon'ble Court has elaborately discussed the scope and ambit of powers relating to anticipatory bail. It has been held that, for considering an application for anticipatory bail, the applicant must establish reasonable grounds for apprehension of arrest in a non-bailable offence.

**14.** It is further observed that the mere absence of registration of an FIR does not bar the grant of anticipatory bail; however, vague and

general apprehensions are not sufficient. A reasonable and bona fide apprehension of arrest must be demonstrated. The principles laid down in the said judgment are applicable to the present case.

**15.** Per contra, the learned Public Prosecutor appearing for the State contended that no case had initially been registered against the petitioners at the respondent police station, and therefore, there was no genuine apprehension of arrest, rendering the petition not maintainable.

**16.** It is further submitted that the wife of petitioner No.1 has since filed a complaint before the respondent police, alleging mental and physical harassment by the petitioners. The offences alleged are serious in nature and relate to societal concerns. It is argued that if the petitioners are granted bail, there is a likelihood of their threatening prosecution witnesses and tampering with evidence. On these grounds, the learned Public Prosecutor prayed for rejection of the petition.

**17.** I have carefully perused the material on record and the documents produced by the petitioners. It is not in dispute that a matrimonial dispute exists between the parties. It is a well-settled principle that courts must exercise caution while dealing with bail application arising out of matrimonial disputes.

**18.** In the present case, it is seen that the wife of petitioner No.1 has submitted a complaint before the respondent police, pursuant to which a notice has been issued to the petitioners calling upon them to appear and submit their explanation regarding the allegations of dowry demand

and desertion. Based on such notice, the petitioners have expressed a reasonable apprehension of arrest for the offences punishable under Section 85 read with Section 3(5) of BNSS and Sections 3 and 4 of the Dowry Prohibition Act.

**19.** At this stage, it is brought to the notice of the Court that the victim has now registered a case against the petitioners before the jurisdictional police in another State. This circumstance lends some credence to the apprehension expressed by the petitioners.

**20.** The next question that arises is with regard to the jurisdiction of this Court. The record indicates that the alleged offence has occurred in a different State. However, this Court is empowered to grant anticipatory bail on a transit basis to enable the petitioners to approach the competent jurisdictional court.

**21.** It is also relevant to note that the petitioners are permanent residents of Davanagere District. The dispute is matrimonial in nature. The primary consideration at this stage is whether the petitioners would cooperate with the investigation and be available for trial. Petitioner No.1 is a medical practitioner (MBBS) and is pursuing his MD at Kunchur, Mangalore. Petitioner Nos.2 and 3 are his parents and Government school teachers. The petitioners have undertaken to abide by any conditions imposed by this Court.

**22.** Further, considering that the petitioners are close relatives of the complainant, their presence can be easily secured by the investigating agency whenever required. Therefore, in order to balance the interests

of the prosecution and the personal liberty of the petitioners, this Court is of the opinion that the petitioners can be granted anticipatory bail on a transit basis, subject to appropriate conditions.

**23.** The petitioners have made out sufficient grounds to establish a reasonable apprehension of arrest. It is the duty of the Court to safeguard individual liberty as guaranteed under the Constitution. However, since the present order is in the nature of transit anticipatory bail, the petitioners are required to approach the competent court having jurisdiction within a reasonable time. Accordingly, Point No.1 is answered in the **Affirmative**.

**Point No.2 :-**

**24.** In view of my findings on Point No.1, I proceed to pass the following:

**ORDER**

The petition filed by the petitioners under Section 482 of BNSS is hereby **allowed**.

The respondent police are hereby directed to release the petitioners on bail, in the event of their arrest in connection with any complaint registered against them for the offences punishable under Sections 86, 109, and 118(2) of BNSS, upon each of them executing a personal bond for a sum of Rs.50,000/- with one surety for the like sum, to the

satisfaction of the arresting authority, subject to the following conditions:

1. The petitioners shall not, directly or indirectly, threaten or tamper with the prosecution witnesses.
2. The petitioners shall appear before the Investigating Officer as and when called for, during reasonable hours.
3. The petitioners shall furnish their identity proof before the Investigating Officer or the concerned Court.
4. The petitioners shall appear before the competent jurisdictional court and file appropriate applications seeking regular bail within a reasonable time.

Violation of any of the above conditions shall entail cancellation of bail.

(Directly dictated to the Stenographer on the computer, corrected, signed and then pronounced by me in the open court on this the 04<sup>th</sup> day of April, 2026).

(Praveen Kumar. R.N, )  
II ADDL. DISTRICT & SESSIONS JUDGE,  
DAVANAGERE.

(Order pronounced in the open court,  
Vide separate order)

**O R D E R**

Petition filed by the petitioners under  
Sec.482 of BNSS, is hereby allowed,  
subject to conditions.

2<sup>nd</sup> ADJ, Davanagere.